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January 10, 2017

VIA ECF

Magistrate Judge Tiscione
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Omar Abushamma v. Alex's Deli et al
16 CV 3868 (ARR)(ST)

Magistrate Judge Tiscione:

I represent the plaintiff in the above referenced matter and am submitting this letter pursuant to Your Honor's instructions during our settlement conference on December 9, 2016. The parties are jointly submitting the proposed settlement agreement for your approval.

As Your Honor is aware, this case settled with your assistance on December 9, 2016. Your Honor heard the facts of this case from both sides before the parties were able to reach a settlement agreement. At the end of the settlement conference, Your Honor indicated that he needed additional information regarding the attorneys' fees involved to evaluate their fairness. Accordingly, I wanted to provide you with additional information regarding Plaintiff's attorney's fees.

Pursuant to my retainer agreement with Mr. Abushamma, the attorney's fees are 33.33% of the settlement agreement which amounts to \$ 10,000. A one third contingency fee is common and has been accepted within this District. See *Calle v. Elite Specialty Coatings Plus, Inc.* 2014 WL 6621081, *3 (E.D.N.Y. 2014). Although my attorney's fees in this case are not dictated by my hourly rate but my contingency agreement, the amount using the lodestar method is not drastically different. As I have expended approximately 25 hours on this case, and my hourly rate is \$ 325, my attorney's fees under lodestar would be approximately \$ 8125.00. My fee of \$ 325 is very reasonable. Judge Cogan awarded me a rate of \$ 275 in a trial I had before him in 2012. I have been practicing continuously for an additional four years subsequent to that trial.

I am an attorney in good standing, admitted to practice law in the State of New York and in the United States District Courts for the Southern, Eastern, Northern and Western Districts of New York. I am also admitted to practice law in the State of

California. I was admitted to practice law in the State of New York in January 2000. While I started my career at the New York City Law Department prosecuting juvenile delinquents for all crimes, I switched to private practice in 2003 working for Michael Shen & Associates doing employment law. In 2008, I started my own employment law firm and have remained a solo practitioner ever since. The overwhelming majority of my cases are wage and hour cases and discrimination cases. Although almost all of my wage and hour cases have settled, I have conducted a wage and hour trial in the Eastern District before Judge Cogan where I was sole lead counsel. The case was *Nilson Sacardi v. Green Field Churrascaria, Inc.* 10 Civ. 5605 (BMC). I obtained a favorable verdict for my client in that case.

For the above reasons, the parties request that you approve the settlement agreement in this case.

Respectfully Submitted,

/s/ Lauren Goldberg
Attorney for Plaintiff